REGISTER OF CLASSIFICATION DECISIONS

Date of entry in Register:	09 April 1997
Name of applicant/court:	Secretary for Internal Affairs
Applicant to the Labelling Body:	Not Applicable
Title of Publication:	Painfull Memories
Other Known Titles:	Painful Memories
Director:	Not Stated
Producer:	Not Stated
Publisher:	Not Applicable
Author:	Not Applicable
Format:	Video Recording VHS/PAL
Country of Origin:	USA
Language:	English

Components of film originally examined:

Feature:	Painfull Memories	Running time:	23.15
Trailers:	Adults Only Notice	Running time:	0.14
	Statement of Participants' Ages		0.03
	California Star Preview Notice		0.08
	The Correction of Julie		2.29
	First Week of Term		1.37
	Naughty Suzanne		1.33
	Catalogue Notice		0.34
		Total Running time:	29.53

Excision/Alteration: No.

Reason(s) for Excision:

Not Applicable.

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Classification Decision:

Objectionable.

Display conditions:

Not Applicable.

Descriptive Note:

Not Applicable.

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Direction to issue a label has not been given.

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SUMMARY OF THE REASONS FOR DECISION:

The video recording entitled *Painfull Memories* is classified as:
Objectionable.
The video recording depicts several scenes where young women, several of whom give the appearance of being in their early to mid-teens, are physically punished by spankings on the buttocks. A trailer, *The Correction of Julie*, shows the forcible abduction and spanking of a young woman. Although all the recipients object, sometimes vociferously, none of the spankings are of sufficient force to cause physical harm. However, the episodes are sexualised to a considerable degree by close-up camera focus on buttocks and genitals and by the playing out of stylised dominance and submission roles. The publication is intended for the sexual titillation of the viewer. By depicting very young women in scenes where their physical punishment is sexualised and presented for the purposes of arousal and titillation, the publication promotes and supports the exploitation of young people for sexual purposes. The inclusion of an excerpt which shows the forcible subjection of a young woman to a sexualised form of punishment promotes and supports the use of violence to compel a person to submit to sexual conduct. The publication is therefore deemed objectionable under s3(2) of the Films, Videos, and Publications Classification Act 1993 (the FVPC Act).

Section 14 of the New Zealand Bill of Rights Act 1990 (the NZBR Act) states that everyone has "*the right to freedom of expression, including the freedom to seek, receive, and impart information and opinions of any kind in any form*." Section 14 of the NZBR Act does not apply to this publication because it has been determined that s3(2) of the FVPC Act applies. This provision overrides s14 of the NZBR Act because it is a deeming provision which cannot be given a meaning that is consistent with the rights and freedoms set out in the NZBR Act.

OFLC Ref: 9501091